



Rios-Nogueras v. L.C. Knight Detention Center et al

2024 | Cited 0 times | D. South Carolina | February 15, 2024

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA
Angel Manuel Rios-Nogueras, Plaintiff, v. Lt. DeBello; Monique, Mental Health Worker; Sgt.
Christopher Coons; Cpt. Sharon Branch, Defendants.

C/A No. 0:23-4711-DCC-PJG

REPORT AND RECOMMENDATION

The self-represented plaintiff, Angel Manuel Rios-Nogueras, a pretrial detainee at the time of the incidents described in the Complaint, filed this civil rights action seeking relief pursuant to 42 U.S.C. § 1983. This matter is before the court pursuant to 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.) for a Report and Recommendation on the motion to dismiss filed by Defendants DeBello, Coons, and Branch. (ECF No. 40.) Pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), the court advised Plaintiff of the summary judgment and dismissal procedures and the possible consequences if he failed to respond adequately to the defendants' motion. (ECF No. 41.) Plaintiff filed a response in opposition (ECF No. 46), and the defendants replied (ECF No. 48). Having reviewed the record presented and the applicable law, the court finds that the defendants' motion should be granted.

BACKGROUND Plaintiff's allegations revolve around an incident that occurred on or around February 26, 2022 when he was allegedly placed in a restraint chair for an extended period of time, and the time spent in administrative segregation that followed. The court construed Plaintiff's Amended Complaint as asserting claims pursuant to 42 U.S.C. § 1983 of excessive force and deliberate indifference to medical needs in violation of the Fourteenth Amendment. (ECF No. 21 at 2.) No party challenged the court's construction of these claims. (See Order, ECF No. 30.) Plaintiff seeks only monetary damages; however, Plaintiff expressly specifies that he files his claims against the defendants only in their official capacities. (See Am. Compl., ECF No. 16 at 4.)

DISCUSSION A. Applicable Standards A motion to dismiss under Federal Rule of Civil Procedure 12(b)(6) examines the legal sufficiency of the facts alleged on the face of the complaint. *Edwards v. City of Goldsboro*, 178 F.3d 231, 243 (4th Cir. 1999). To survive a Rule 12(b)(6) motion, "[f]actual allegations must be enough to raise a right to relief above the speculative level." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007). The "complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)



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(quoting *Twombly*, 550 U.S. at 570). A claim is facially plausible when the factual content allows the court to reasonably infer that the defendant is liable for the misconduct alleged. *Id.* When considering a motion to dismiss, the court must accept as true all of the factual allegations contained in the complaint. *Erickson v. Pardus*, 551 U.S. 89, 94 (2007). The court “may also consider documents attached to the complaint, see Fed. R. Civ. P. 10(c), as well as those attached to the motion to dismiss, so long as they are integral to the complaint and authentic.” *Philips v. Pitt Cty. Mem’l Hosp.*, 572 F.3d 176, 180 (4th Cir. 2009) (citing *Blankenship v. Manchin*, 471 F.3d 523, 526 n.1 (4th Cir. 2006)). Further, while the federal court is charged with liberally construing a complaint filed by a pro se litigant to allow the development of a potentially meritorious case, see, e.g., *Erickson v. Pardus*, 551 U.S. 89 (2007), the requirement of liberal construction does not mean that the court can ignore a clear failure in the pleadings to allege facts which set forth a federal claim, nor can the court assume the existence of a genuine issue of material fact where none exists. *Weller v. Dep’t of Soc. Servs.*, 901 F.2d 387 (4th Cir. 1990).

B. Eleventh Amendment Immunity The defendants argue that all claims against them should be dismissed because they are entitled to immunity under the Eleventh Amendment. As noted above, Plaintiff clearly states in his Amended Complaint that he brings his claims against the defendants only in their official capacities and seeks only monetary relief. (Am. Compl., ECF No. 16 at 4.) Defendants DeBello, Coons, and Branch are all employees of the Dorchester County Sheriff’s Office. (ECF No. 40-1 at 4.) The Eleventh Amendment states that “[t]he Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.” U.S. Const. art. XI. Sovereign immunity protects both the State itself and its agencies, divisions, departments, officials, and other “arms of the State.” See *Will v. Michigan Dep’t of State Police*, 491 U.S. 58, 70 (1989); see also *Regents of the Univ. of California v. Doe*, 519 U.S. 425, 429 (1997) (“[I]t has long been settled that the reference [in the Eleventh Amendment] to actions ‘against one of the United States’ encompasses not only actions in which a State is actually named as the defendant, but also certain actions against state agents and state instrumentalities.”). As arms of the state, the Sheriff’s Office defendants are entitled to sovereign immunity and cannot constitute “persons” under § 1983 in that capacity. See *Will*, 491 U.S. at 70-71; *Gulledge v. Smart*, 691 F. Supp. 947, 954-55 (D.S.C. 1988) (concluding that sheriffs and deputy sheriffs are agents of the state and cannot be sued in their official capacities). Important here, “official capacity” suits are treated as suits against the State, while individual capacity suits under § 1983 require the plaintiff to prove that an individual was acting under color of state law. See *Kentucky v. Graham*, 473 U.S. 159, 166-67 (1985) (“Official -capacity suits . . . ‘generally represent only another way of pleading an action against an entity of which an officer is an agent.’”) (citing *Monell v. New York City Dep’t of Soc. Servs.*, 436 U.S. 658, 690, n.22 (1978)); see also *Hafer v. Melo*, 502 U.S. 21, 25 (1991) (“Personal -capacity suits, on the other hand, seek to impose individual liability upon a government officer for actions taken under color of state law.”). Although a State may waive sovereign immunity, *Lapides v. Bd. of Regents*, 535 U.S. 613 (2002), the State of South Carolina has specifically denied this waiver for suit in federal district court. See S.C. Code § 15-78-20(e). In response to the defendants’ motion, Plaintiff again states that “clearly in the Amended Complaint it is stated throughout what/how each defendant egregiously under the color of law in their official capacities” violated his civil rights.



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1 (Pl.'s Resp. Opp'n, ECF No. 46 at 1.) Accordingly, on this record, to the extent Plaintiff stands by his statements and assertions that he intends to sue Defendants DeBello, Coons, and Branch in their official capacities, they are immune

1 However, the substance of both Plaintiff's Amended Complaint and response in opposition appear to detail actions taken by the defendants personally rather than raising claims against the Sheriff's Office itself—that is, despite his statements to the contrary, Plaintiff appears to raise individual capacity claims against these defendants rather than official capacity claims. If Plaintiff wishes to amend his Complaint to raise individual capacity claims against the defendants, he should, within fourteen days from the date of this report and recommendation, file a motion to amend in accordance with Fed. R. Civ. P. 15(a)(2) and attach a complete proposed amended complaint. Plaintiff is reminded that an amended complaint replaces the original complaint and should be complete in itself. See *Young v. City of Mount Ranier*, 238 F.3d 567, 572 (4th Cir. 2001) (“As a general rule, an amended pleading ordinarily supersedes the original and renders it of no legal effect.”) (citation and internal quotation marks omitted); see also 6 Charles Alan Wright et al., *Federal Practice and Procedure* § 1476 (3d ed. 2017) (“A pleading that has been amended under Rule 15(a) supersedes the pleading it modifies and remains in effect throughout the action unless it subsequently is modified. Once an amended pleading is interposed, the original pleading no longer performs any function in the case . . .”). Any amended complaint filed by Plaintiff is also subject to further initial review by the court pursuant to 28 U.S.C. § 1915A. from suit and should be dismissed. *Will*, 491 U.S. at 70-71; see also *Quern v. Jordan*, 440 U.S. 332, 343 (1979) (recognizing that Congress did not override the Eleventh Amendment when it created the remedy found in 42 U.S.C. § 1983 for civil rights violations).

RECOMMENDATION For the foregoing reasons, the defendants' motion should be granted and Defendants DeBello, Coons, and Branch should be dismissed from this matter. (ECF No. 40.)

February 15, 2024 Paige J. Gossett Columbia, South Carolina UNITED STATES MAGISTRATE JUDGE

The parties' attention is directed to the important notice on the next page. Notice of Right to File Objections to Report and Recommendation The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note). Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); see Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:



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Robin L. Blume, Clerk United States District Court

901 Richland Street Columbia, South Carolina 29201 Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); Thomas v. Arn, 474 U.S. 140 (1985); Wright v. Collins, 766 F.2d 841 (4th Cir. 1985); United States v. Schronce, 727 F.2d 91 (4th Cir. 1984).

